THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 11982 of 2005

Dt:28.01.2006

Between:

Nasreen Begum

.. Petitioner

and

The Inspector of Police

.. Respondent

ORDER:

On the basis of a complaint made by one Smt.Sabina Nasreen, the daughter-in-law of the writ petitioner, alleging that the petitioner indulged in offences punishable under Section 498-A I.P.C. read with section 34 I.P.C. and Sections 3,4 and 6 of the Dowry Prohibition Act, the Chief Metropolitan Magistrate, Mahila Court, directed investigation. Pursuant thereto, a case in Crime No.22 of 2004 on the file of the Inspector of Police, Women Protection Cell, C.I.D., Hyderabad was registered on 19.06.2004 against the petitioner for the offence publishable under Section 498-A read with Section 34 IPC and Sections 3,4 and 6 of the Dowry Prohibition Act.

This writ petition is filed aggrieved by the alleged inaction on the part of the

respondent in completing the investigation in Crime No.22 of 2004. The petitioner states that as a matter of fact she lodged a complaint against her daughter-in-law, on the basis of which, Crime No.335 of 2004 on the file of Kushaiguda Police Station was registered. However, after completing the investigation, the Police of Kushaiguda filed a final report before the Court of the X Metropolitan Magistrate, Malkajgiri, Cyberabad stating that the complaint of the petitioner was false.

The grievance of the petitioner is that the complaint made by her daughter-in-law was a counter-blast to the complaint lodged by her earlier, on the basis of which, Crime No.335 of 2004 was registered and the allegations made by her daughter-in-law are all false and without any basis and that the respondent is deliberately not proceeding with the investigation and has not yet filed the report under Section 173 Cr.P.C. only with an intention to harass her.

In response to the Rule nisi ordered, the Inspector of Police, Women Protection Cell, C.I.D., Hyderabad filed a counter-affidavit denying the allegations made by the petitioner. It is stated that during the course of investigation in Crime No.22 of 2004, as many as five witnesses were examined and their statements were recorded. It is further stated that the Investigating Officer requested the learned XIII Additional Chief Metropolitan Magistrate, Mahila Court, Nampally, Hyderabad for filing requisitions, to order issuance of summons to the writ petitioner-accused for obtaining specimen handwritings to compare the same with her handwriting on the cheques. Accordingly, the learned Magistrate ordered summons to the writ petitioner-accused and the same were sent through the Court to the Forensic Science Laboratory (F.S.L.) for comparison. However, the authorities of F.S.L. returned the same to the Court for certain clarifications and the matter is still pending before the Court. As soon as the report is received from the F.S.L., an appropriate report will be filed before the Court. The delay caused in completing the investigation was only due to non-cooperation of the writ petitioner in furnishing her specimen handwritings before the Court and now that the specimen handwritings were already obtained in the open Court, as soon as the investigation is completed, appropriate report will be filed before the Court.

Having heard the learned counsel for both the parties and having regard to the averments in the counter-affidavit filed by the respondent, which stood unrebutted, I am unable to hold that there is any deliberate inaction on the part of the respondent in completing the investigation.

Hence, I deem it appropriate to dispose of the writ petition with a direction to the respondent to complete the investigation in Crime No.22 of 2004 as expeditiously as possible and to file the appropriate report before the competent Court following due process of law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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28.01.2006

kdl